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Attorneys for Plaintiff
MOHAMED FAYAD

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOHAMED FAYAD,)	CASE NO. C07-03209 JF
)	
Plaintiff,)	JOINT CASE MANAGEMENT
)	CONFERENCE
vs.)	
)	
BOARD OF TRUSTEES OF THE)	Date: November 16, 2007
CALIFORNIA STATE UNIVERSITY,)	Time: 10:30 a.m.
)	Place: Courtroom 3, 5 th Floor, SJ
Defendant.)	

Plaintiff MOHAMED FAYAD and Defendant BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY hereby submit the following Joint Case Management
Statement:

1. Jurisdiction and Service. Plaintiff's Second Amended Complaint asserts two causes
of action for national origin and religious discrimination in violation of Title VII, so the Court
has subject matter jurisdiction over plaintiff's claims. There are no counterclaims. There are no
issues with personal jurisdiction, venue or service.

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1 2. Facts. Plaintiff is presently employed at defendant's San Jose State University. He
2 was hired as a tenure track professor in the Department of Computer Engineering in 2002, with
3 two years credit towards tenure based on his previous academic experience. On May 27, 2005,
4 plaintiff was advised by the Provost that, on the basis of his fifth year review, the decision had
5 been made not to retain him and to give him a one-year terminal appointment (he would have
6 been up for tenure in his sixth year). Following his terminal year, plaintiff was appointed as a
7 part-time lecturer, effective August 21, 2006, for Fall Semester 2006. He was reappointed in the
8 same capacity for Spring 2007 and Fall 2007, and remains employed in that capacity.

9 3. Factual and Legal Issues. Whether plaintiff was discriminated against based on his
10 national origin and religion by defendant.

11 4. Motions. Defendants' Motion to Dismiss (based on statute of limitations and
12 sovereign immunity) was withdrawn based on the meet and confer efforts of the parties.
13 Defendant anticipates filing a Motion for Summary Judgment.

14 5. Amendment of Pleadings. The parties do not anticipate any further amendment of the
15 pleadings.

16 6. Evidence Preservation. Defendant has gathered and preserved documents related to
17 plaintiff's present claims.

18 7. Disclosures. The parties anticipate completing their Initial Disclosures as required.

19 8. Discovery. No discovery has occurred to date. The parties anticipate written
20 discovery and depositions within the limits provided by the FRCP.

21 9. Class Action. Not applicable.

22 10. Related Cases. On October 1, 2007, plaintiff filed another lawsuit in Santa Clara
23 Superior Court, entitled *Mohammed Fayad v. Board of Trustees of the California State*
24 *University*, Case No. 107CV095504. That action challenges the reappointment decision in 2006
25 that is the subject of this case, as well as plaintiff's termination from tenure track in 2005, which
26 claim was dismissed from this action by way of the stipulation of the parties and the amended
27 complaint.
28

11. Relief. Lost compensation for 1) what Plaintiff would have otherwise been entitled;
 2) what Plaintiff would otherwise be entitled in the future; 3) what Plaintiff has suffered from
 emotional distress, embarrassment and humiliation; 4) the damage to Plaintiff's reputation in the
 scientific community; and 5) for Plaintiff's prospects for future employment and career
 advancement that have been diminished.

12. Settlement and ADR. Plaintiff wishes to participate in mediation. Defendant is not
 interested in mediation and wishes to participate in Early Neutral Evaluation (ENE). The parties
 will schedule an ADR conference call.

13. Consent to Magistrate. Plaintiff declined to consent.

14. Other References. Not applicable.

15. Narrowing of Issues. The parties have already been successful in narrowing the
 issues through meet and confer efforts and are amenable to further efforts in this regard as
 appropriate/feasible.

16. Expedited Schedule. [The parties/Defendant] believe[s] this case could be handled
 on an expedited basis with streamlined procedures.

17. Scheduling. The parties propose the following dates:

Non-Expert Discovery Cutoff	August 29, 2008
Designation of Experts	September 1, 2008
Expert Discovery Cutoff	September 26, 2008
Dispositive Motions	October 20, 2008
Pretrial Conference	November 17, 2008
Trial Date	December 8, 2008

18. Trial. Plaintiff requests a jury. Defendant reserves. The parties anticipate five (5)
 court days for trial.

19. Disclosure of Non-party Interested Entities or Persons. None.

Dated: November 5, 2007

SIEGEL & YEE

By: /s/ Jane Bruner
 JANE BRUNER
 Attorneys for Plaintiff
 MOHAMED FAYAD

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Dated: November 5, 2007

GORDON & REES, LLP

By: /s/ Michael A. Laurenson
Michael A. Laurenson
Attorneys for Defendant
BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY

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